

REMARKS

This Amendment is submitted in response to the Office Action dated September 27, 2006, having a shortened statutory period set to expire December 27, 2006.

OBJECTION TO THE SPECIFICATION

In paragraph 3 of the present Office Action, paragraph [0078] of the present specification is objected to as containing an informality. In response, Applicant has proposed an amendment to correct the informality noted by the Examiner. The proposed amendment to the specification does not contain any new matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In paragraph 5 of the present Office Action, Claims 1-18 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application 2002/0128809 to *Roesner et al. (Roesner)*. That rejection is respectfully traversed, and favorable reconsideration of the claims is requested.

Applicant respectfully submits that exemplary Claim 1 is not rendered unpatentable under 35 U.S.C. § 102(e) by *Roesner* because *Roesner* does not disclose the following step of exemplary Claim 1:

receiving as an input into a model build process constraint information indicating a desired set of instrumentation entities to be included within a simulation model of a digital design described by a plurality of hierarchically arranged design entities, ..., wherein the desired set of instrumentation entities includes fewer than all instrumentation entities defined for the simulation model, and wherein said constraint information is distinct from source code files describing said plurality of design entities and said instrumentation entities defined for the simulation model;

With respect to the “receiving” step of exemplary Claim 1, paragraph 5.1 of the present Office Action cites various features of *Roesner’s* Figure 4D as disclosing the design entities,

instrumentation entities, and simulation model set forth in exemplary Claim 1. However, none of the cited files illustrated within *Roesner*'s Figure 4D, nor the model build process depicted generally therein, discloses "receiving as an input into a model build process constraint information indicating a desired set of instrumentation entities ... wherein said constraint information is distinct from source code files describing said plurality of design entities and said instrumentation entities defined for the simulation model," as now recited in Claim 1. Because *Roesner* does not identically disclose receiving constraint information as recited in exemplary Claim 1, Applicant respectfully submits that the rejection of Claim 1, similar Claims 13, and their respective dependent claims under 35 U.S.C. § 102(e) in view of *Roesner* is overcome.

Applicant further notes that 35 U.S.C. § 103(c) precludes the use of *Roesner* in a rejection under 35 U.S.C. § 103, given the citation of *Roesner* under 35 U.S.C. § 102(e) and its common ownership with the present application (as evidenced by the assignment records of the USPTO).

Having now responded to each objection and rejection set forth in the present Office Action, Applicant believes all pending claims are now in condition for allowance and respectfully requests such allowance.

No additional fee is believed to be required. If, however, any additional fees are required, please charge those fees to IBM Corporation Deposit Account No. **09-0447**.

Respectfully submitted,



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